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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,138	08/10/2000	Tetsujiro Kondo	450100-4983.1	6384

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EXAMINER

DO, ANH HONG

ART UNIT PAPER NUMBER

2624

DATE MAILED: 01/28/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,138

Applicant(s)

KONDO ET AL.

Examiner

ANH H DO

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/352,241.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/352,241, filed on 7/13/1999.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamadaji (U.S. Patent No. 6192138) in view of Rhoads et al. (WO 99/10837).

Regarding claim 1, Yamadaji discloses:

- digital image data processor 102 serving as receiving means for receiving an image from CCD 101 and a digital watermark from digital watermark processor 104 (Fig. 4);

- the digital image data processor including VLC processor 205 for encoding the image data according to the digital watermark that is embedded into it such that decoding can be performed by VLD processor 206 (Fig. 5).

One skilled in the art would have clearly recognized that the image data with the digital watermark embedded thereon would be reproduced without reduction of image quality, and to do so, the entropy or energy distribution possessed by the image data would be utilized. Yamadaji does not specifically teach utilizing the energy distribution for decoding as claimed.

Rhoads, in the same field of endeavor, teaches the entropy in the image data with digital watermark embedded thereon would be used in decoding to obtain the reproduced image (i.e., the decoded message) in higher quality (two extra symbols in the produced data stream) (page 8, lines 15-18).

Therefore, it would have been obvious to utilize the entropy (i.e., energy distribution) in Yamadaji as taught for image decoding as taught by Rhoads in order to reproduce the image with high quality.

Regarding claim 6, Yamadaji teaches;

- VLD processor 206 serving as receiving means for receiving the encoded data from the VLC processor 205 (Fig. 5);

- VLD 206 also serving as decoding means for decoding the encoded data into the image data and the watermark digital (Fig. 5).

And Rhoads, in the same field of endeavor, teaches the entropy (i.e., energy distribution) in the image data with digital watermark embedded thereon would be used in decoding to obtain the reproduced image (i.e., the decoded message) in higher quality (two extra symbols in the produced data stream) (page 8, lines 15-18).

The motivation is set forth in claim 1 above.

Regarding claims 11 and 16, since each of these claims is a combination of claims 1 and 6 the discussions in claims 1 and 6 are applied hereto.

Regarding claim 17, Yamadaji shows computer 71 (Fig. 3) serving as a medium to provide encoded data obtained by encoding the image data according to the digital watermark that is embedded into it such that decoding can be performed by VLD processor 206 (Fig. 5). And Rhoads, in the same field of endeavor, teaches the entropy (i.e., energy distribution) in the image data with digital watermark embedded thereon would be used in decoding to obtain the reproduced image (i.e., the decoded message) in higher quality (two extra symbols in the produced data stream) (page 8, lines 15-18). The motivation is set forth in claim 1.

Regarding claims 2, 7, 12, 13 and 18, Yamadaji teaches the digital image data processor including VLC processor 205 for encoding the image data according to the digital watermark that is embedded into it such that decoding can be performed by VLD processor 206 (Fig. 5). And Rhoads teaches utilize the correlation of said image (page 9, lines 14-15).

Regarding claims 3, 8, 14 and 19, Yamadaji teaches the image data and the digital watermark are information of identical media (i.e., video CD) (col. 1, lines 38-40).

Regarding claims 4, 9, 15 and 20, Yamadaji teaches the first information is an image (captured by a CCD) (col. 7, lines 32-36).

Regarding claims 5 and 10, since these claims are corresponding method claims of apparatus claims 1 and 6, respectively, the discussions of claims 1 and 6 apply hereto.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H DO whose telephone number is 703-308-6720. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID K MOORE can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

January 23, 2004


**ANH HONG DO
PATENT EXAMINER**